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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 22nd May 1957

S.R.O. 1739.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 372 of 1957, presented to the Commission on the 29th April, 1957 under section 81 of the said Act, by Shri Girraj Prashad, son of Ram Prashad, resident of Bandikui, Tehsil Baswa, District Jaipur and Shri Madan Lal, son of Suwalal, resident of Barialkalan, Tehsil Baswa, District Jaipur, calling in question the election to the House of the People from the Dausa Parliamentary constituency of that House of Shri Gajadhar Somani, son of Shri Hazari Mal Somani, resident of Shriniwas House, Wandy Road, Bombay No. 1.

Presented to me by Shri Girraj Prashad and Shri Madan Lal whose signature has been obtained in the margin and attested as having been signed before me this the twenty ninth day of April, One Thousand Nine Hundred and Fifty Seven.

(Sd.) GIRRAJ PRASHAD.

(Sd.) MADAN LAL.

Attested

(Sd.) DIN DAYAL.

Under Secretary.

(Sd.) DIN DAYAL, Under Secy.

Election Commission, India.

THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 372 of 1957

Election petition relating to the election of Dausa House of People Constituency.

1. Shri Girraj Prashad s/o Ram Prashad by caste Brahmin resident of Bandikui Tehsil Baswa District Jaipur,

2. Madan Lal s/o Suwalal by caste Mahajan resident of Barialkalan Tehsil Baswa District Jaipur.....*Petitioners.*

Versus

Shri Gajadhar Somani son of Shri Hazari Mal Somani resident of Shriniwas House Wandy Road, Bombay No. 1.....*Respondent.*

The Petitioner submits as below:—

1. That the petitioners are Voters in Dausa House of People constituency their elector roll number in the electoral roll of the said constituency are as follows and are entitled to present this petition:—

1. Girraj Prashad voter No. 1224 Madho Gang Bandikui Town.

2. Madan Lal voter No. 187 in village Bandiyal Kalan.

2. That one Shri Narayan has also filed his nomination paper duly filled.

3. That on the date of scrutiny the Returning Officer rejected the nomination paper of Srinarayan on the ground that in column No. 2 name of the constituency in which proposer was enrolled was not mentioned, though serial and sector number were given.

4. That the respondent having secured the larger number of Votes declared elected on the 15th March of 1957.

5. That the petitioner submit that the order of the Returning Officer rejecting the nomination paper is improper and illegal on the following grounds:—

That sub-clause IV of section 33 of the Representation of the People Act of 1951 when the Returning Officer had satisfied himself about the entries in column No. 2 and he did not regard it as an error nor he permitted the correction on or required under section 33 sub-clause IV he could not legally reject the nomination paper on the ground given in his order.

That if at all it was a defect it was not of substantive character and therefore the nomination paper could not be rejected.

That the identity of proposer and the candidate were not disputed and as such nomination paper could not be legally rejected.

That there being no non-compliance of the provision of section 33 the nomination paper could not be rejected.

6. That the petition is submitted within 45 days from the date of declaration.

7. That Government Treasury receipt of Rs. 1000/- as security amount is attached herewith.

Therefore the petitioner prays.

1. That the election of respondent be retained and declared void.

2. That cost be awarded.

MADAN LAL,
GIRRAJ, Petitioners.

I Girraj Prashad s/o of Ram Prashad and Madan Lal s/o Suwa Lal verify that contents of paras 1 to 4 and 7 are true to my personal knowledge and paras 5 and 6 on believe by me to be correct on the level advise.

MADAN LAL,
GIRRAJ, Petitioners.

Deponent.

Dated the 27th April, 1957.

[No. 82/372/57.]

By order,
DIN DAYAL, Under Secy.